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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,030	03/15/2004	Jens Staack	60091.00278	6867
32294 7590 12/12/2007 SQUIRE, SANDERS & DEMPSEY L.L.P. 14TH FLOOR 8000 TOWERS CRESCENT TYSONS CORNER, VA 22182			EXAMINER GONZALEZ, AMANCIO	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,030

Applicant(s)

STAACK, JENS

Examiner

Amancio Gonzalez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, and 9-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/20/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram," in view of Marque- Puchau (US 20040100987 A1), hereafter "Marque."

Consider claims 1, 15, and 42 as amended and as rejected under 35 U.S.C. 112, first paragraph above, Ehram discloses initiating a packet-based service session for a communication group in a mobile communication system (**see col. 1 lines 43-56, col. 3 lines 44-67, col. 4 lines 1-12, where Ehram discusses a user initiating a packet-based session with one or more target users**). Ehram discloses composing, in an originating mobile terminal, a triggering message indicating a communication group (**composing reads on configuring -see col. 10 lines 7-38, where Ehram discusses an originating user configuring various settings, creating a triggering event leading to group communication initiation**). Ehram discloses, in addition to the originating mobile terminal, at least one first mobile terminal, the terminals of the communication group having unknown attachment statuses relative to a packet data network belonging to the mobile communication system (**unknown attachment statuses relative to a packet data network belonging to the mobile communication system read: the mobile terminal is in a dormant or idle state – see col. 10 lines 39-67, where Ehram discusses actions taken by a terminal in an idle or dormant state after detecting a triggering event for group communication or conferencing**). Ehram discloses receiving the triggering message in the at least one first mobile terminal (**receiving reads on detecting -see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing**). Ehram discloses in response to the receiving, bringing at least one of the at least one first mobile terminal to a state allowing reception of packets from the packet data network, the packets belonging to [[the]] a packet-based service

session of the communication group (see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing and, in response to detecting the triggering, acquiring or maintaining a data connection).

Ehram discloses sending the triggering message to the at least one first mobile terminal (see col. 9 lines 50-61, col. 10 lines 7-18, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing, said triggering event being generated by another mobile station seeking to establish a real-time media application push-to-talk session with a target user or group), but does not explicitly mention sending the triggering message from the originating mobile terminal to inform at least one mobile terminal of a packet-based service session on the communication group to be initiated. Marque teaches sending the triggering message from the originating mobile terminal to inform at least one mobile terminal of a packet-based service session on the communication group to be initiated (see pars. 0035-0045, where Marque discusses a mobile terminal initiating a communication session with another mobile unit or group utilizing SIP: Session Initiation protocol. Also notice in pars. 0002, 0040 that the terminal (s) of the communication group may be in *non connected mode* or *off-hook*, which read on *unknown attachment status*, as per present application specifications on paragraphs 0005 and 0007).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram and have it include a mobile

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terminal initiating a communication session with another mobile unit or group utilizing SIP: Session Initiation protocol, as taught by Marque, thereby providing means for the purpose of managing a group of communication between the various end equipments of a packet switching network, as discussed by Marque (**see par. 0001**).

Consider claims 2 and 27 as amended, Ehksam as modified by Marque teaches claims 1 and 26 respectively, and Ehksam further teaches packet data connectivity (see Ehksam: col. 1 lines 57-62, col. 5 lines 25-34, col. 6 lines 8-17).

Consider claims 3, 4, 17, 18, 28, 29, 35, 36, 44, and 45 as amended, Ehksam as modified by Marque teaches claims 1, 2, 15, 16, 26, 33, 34, 42 and 45 respectively, and Marque further teaches mobile station registration (see Marque: par. 0045 lines 15-21).

Consider claims 5, 6, 19, 20, 28, 29, 30, 31, 37, 38, 46, and 47 as amended, Ehksam as modified by Marque teaches claims 3, 4, 17, 18, 26, 35, 36, 44, and 45 respectively, and Ehksam further teaches mobile registration in push-to-talk service (see Ehksam: col. 1 lines 57-62, col. 3 lines 30-32).

Consider claims 7, 21, and 32 as amended, Ehksam as modified by Marque teaches claims 1, 33, and 42 respectively, and Ehksam further teaches implicitly sending a message via a non-data path (see Ehksam: col. 1 lines 20-32, where Ehksam discusses transmitting non-data messages, i.e., voice messages).

Consider claim 9 as amended, Ehksam as modified by Marque teaches claim 1, and Ehksam further teaches sending triggering message in a system including push-to-talk service (triggering message reads on triggering event -see Ehksam: Abstract, col. 2 lines 65-67, col. 3 lines 1-3 and 30-32).

Consider claims 14 and 25 as amended, Ehram as modified by Marque teaches claims 1 and 15 respectively, and Ehram further teaches multimedia service (see Ehram: col. 1 lines 62-66).

Consider claims 16, 34 and 43 as amended, Ehram as modified by Marque teaches claims 15, 33, and 42 respectively, and Ehram further teaches establishing connection for data transmission with a previously disconnected mobile terminal (dormant reads on disconnected -see Ehram: Abstract, col. 1 lines 9-11, col. 6 lines 36-44).

Consider claim 22 as amended, Ehram as modified by Marque teaches claim 15, and further teaches indicating a starting time for packet-based service session (see Ehram: col. 1 lines 43-47, col. 2 lines 12-14, where Ehram discusses initiating a real-time media session).

Consider claims 26 and 33, Ehram discloses for initiating a packet-based service session for a communication group in a mobile communication system (**see col. 1 lines 43-56, col. 3 lines 44-67, col. 4 lines 1-12, where Ehram discusses a user initiating a packet-based session with one or more target users**). Ehram discloses in response to the receiving, bringing the mobile terminal to a state allowing reception of packets from a packet data network belonging to the mobile communication system, the packets belonging to a packet-based service session system-of the communication group (**see col. 9 lines 50-61, where Ehram discusses a mobile station detecting a triggering event intended for group conferencing and, in response to detecting the triggering, acquiring or maintaining a data connection**).

Ehrsam discloses receiving in a mobile terminal belonging to a communication group in a communication system, a triggering message indicating the communication group (***receiving reads on detecting*** -see col. 9 lines 50-61, col. 10 lines 7-18, where Ehrsam discusses a mobile station detecting a triggering event intended for group conferencing, said triggering event being generated by another mobile station seeking to establish a real-time media application push-to-talk session with a target user or group), but does not explicitly mention informing of a packet-based service session of the communication group to be initiated. Marque teaches informing of a packet-based service session of the communication group to be initiated (see pars. 0035-0045, where Marque discusses a mobile terminal initiating a communication session with another mobile unit or group utilizing SIP: Session Initiation protocol. Also notice in pars. 0002, 0040 that the terminal (s) of the communication group may be in *non connected mode* or *off-hook*, which read on *unknown attachment status*, as per present application specifications on paragraphs 0005 and 0007).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehrsam and have it include a mobile terminal initiating a communication session with another mobile unit or group utilizing SIP: Session Initiation protocol, as taught by Marque, thereby providing means for the purpose of managing a group of communication between the various end equipments of a packet switching network, as discussed by Marque (**see par. 0001**).

Consider claims 40 and 49 as amended, Ehram as modified by Marque teaches claims 33, and 42 respectively, and Ehram further teaches substantially reducing delay in push-to-talk communication (see Ehram: col. 3 lines 14-20).

5. Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram," in view of Marque- Puchau (US 20040100987 A1), hereafter "Marque," as applied to claims 1 and 15, further in view of Borsan (US Pat 7146163), hereafter "Borsan."

Consider claims 10 and 24 as amended, Ehram as modified by Marque teaches claims 1 and 15 respectively, but does not particularly refer to triggering short message service. Borsan discloses triggering short message s (see Borsan: Abstract, col. 2 lines 62-67, col. 3 lines 1-8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram as modified by Marque and have it include triggering short message, thereby providing means for establishing a packet-based data real time media session, as taught by Borsan (see Borsan: col. 1 lines 9-11).

6. Claims 11, 12, 13, 39, 48, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram," in view of Marque- Puchau (US 20040100987 A1), hereafter "Marque," as applied to claims 1, 33, and 42, further in view of Maggenti (US Pat 6477150), hereafter "Maggenti."

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Consider claims 11, 12, 13, 39, and 48 as amended, Ehram as modified by Marque teaches claims 1, 33, and 42 respectively, but does not particularly refer to timing a session. Maggenti teaches timing a sending session (see Maggenti: col. 27 lines 56-59). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram as modified by Marque and have it include session timing, as taught by Maggenti, thereby monitoring the duration a data session.

Consider claims 41 and 50 as amended, Ehram as modified by Marque teaches claim 33, and 42 respectively, but does not explicitly refer to a mobile terminal with multi-system interface capability. Maggenti further discloses a mobile terminal with multi-system interface capability (can operate using one or more service options -see Maggenti: col. 7 lines 31-38, col. 9 lines 52-67 and col. 10 lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram as modified by Marque and have it include mobile terminal with multi-system interface capability, as taught by Maggenti, thereby providing a mobile terminal with the option of communicating in either a packet data or non-packet data system.

7. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram," in view of Marque- Puchau (US 20040100987 A1), hereafter "Marque," as applied to claim 15, further in view of Weiner (US PGPub 20060268750), hereafter "Weiner."

Consider claim 23, as amended, Ehram as modified by Marke teaches claim 15, but does not mention specifically mention general packet radio service. Weiner discloses general packet radio service (see Weiner: pars. 0001, 0009, 0012, 0025, and 0028). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram as modified by Marke and have it include general packet radio service, as taught by Weiner, thereby providing means for establishing a push-to-talk voice over internet protocol session.

8. Claim 51, 52, 54, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehram (US Pat 7020098), hereafter "Ehram," in view of Marke-Puchau (US 20040100987 A1), hereafter "Marke," as applied to claims 1, 15, 26, and 33, further in view of Desai et al. (US 7277697 B2), hereafter "Desai."

Consider claims 51, 52, 54, and 55 as amended, Ehram as modified by Marke teaches claims 1, 15, 26, and 33 respectively, but does not particularly refer to prompting a user for accepting a session invitation. Desai teaches prompting a user for accepting a session invitation (see col. 5 lines 27-32). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Ehram as modified by Marke and have it include prompting a user for accepting a session invitation, as taught by Desai, thereby providing means for the purpose of establishing a communication with a group inviting participants in non-intrusive manner, as discussed by Desai (see col. 2 lines 14-16).

Response to Arguments

9. Applicant's arguments with respect to **claims 1-7 and 9-55** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
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Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached at (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag


DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

December 6, 2007